

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WATERKEEPER ALLIANCE INC.,

Plaintiff,

-against-

SPIRIT OF UTAH WILDERNESS, INC.,

Defendant.
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10-cv-1136 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge

On February 11, 2010, Plaintiff Waterkeeper Alliance, Inc. (“Waterkeeper”), commenced this action against Defendant Spirit of Utah Wilderness, Inc. (“SUW”), alleging trademark infringement, unfair competition, and related New York State law claims. (Complaint, ECF No. 1.) On April 11, 2014, this Court granted Defendant counsel’s motion to withdraw. (Order Granting Fulbright & Jaworski LLP’s Motion for Leave to Withdraw as Counsel, ECF No. 54.) At a September 4, 2014 pre-motion conference, Defendant was granted a final extension until September 19, 2014, to retain new counsel. On May 8, 2015, this Court granted Plaintiff’s application for default judgment against the Defendant, and enjoined Defendant, and all persons in active concert and participation with it, including Jeffrey Salt, from using the “Waterkeeper Marks,”¹ as designated in the Order. (Default Judgment and Order, ECF No. 100.) The May 8, 2015 Order also noted that Defendant had assigned its alleged interest in the Waterkeeper marks to Mr. Salt on September 19, 2014, in an attempt to circumvent the Court’s deadline for appearance by counsel, and the requirement that a corporation be represented by an attorney. On July 27, 2016, Plaintiff filed a motion to hold Defendant and Mr. Salt in civil contempt on the

¹ This term is defined in paragraph 19 of the Complaint.

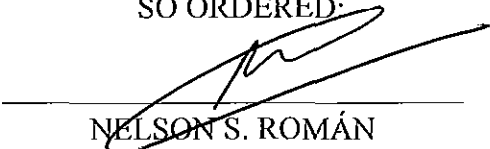
basis that Salt had violated the May 8, 2015 Order by continuing to refer to himself as the “Great Salt Lakekeeper,” and using the email address “jeffsalt@greatsaltlakekeeper.com.” (*See* Plaintiff’s Memorandum of Law in Support of Motion to Hold Defendant in Civil Contempt, ECF No. 121.) On August 22, 2016, Mr. Salt filed declarations on behalf of himself and SUW, (ECF Nos. 125, 126), despite repeated reminders by the Court that a corporation cannot appear *pro se*, (*see, e.g.*, Order, December 10, 2014, at 1, ECF No. 86; Memorandum and Order, February 13, 2015, at 3, ECF No. 97.)

Though a non-party, Mr. Salt has been aware of this litigation since 2010. (*See* Transcript of Proceedings, September 4, 2014, at 5:14-17, ECF No. 69 [hereinafter “Tr., Sept. 4, 2014”].) Salt has attempted to appear on behalf of corporate Defendant SUW and to intervene in this matter as a party. (*See generally*, Salt’s Motion to Intervene as of Right, September, 23, 2014, ECF No. 61; Tr., Sept. 4, 2014 at 2:7-8; Endorsed Letter from Jeffrey Salt, November 25, 2014, ECF No. 80.) He was also aware of the May 8, 2015 Order, and has responded to Plaintiff’s motion to hold him and SUW in contempt of that Order.

Based on the foregoing, Mr. Salt is hereby ORDERED to appear before this Court on January 19, 2017, at 10:00a.m., to show cause as to why he should not be held in civil contempt of court for failure to comply with this Court’s May 8, 2015 Order enjoining him from referring to himself as the “Great Salt Lakekeeper,” and using any email address that contains the infringing Waterkeeper marks, including the term Great Salt Lakekeeper. The Court respectfully directs the Clerk to mail a copy of this Order to Jeffrey Salt.

Dated: November 21, 2016
White Plains, New York

SO ORDERED:


NELSON S. ROMÁN
United States District Judge